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12 CV 03260

Sam H. James Pro-Se

P.O. Box 13

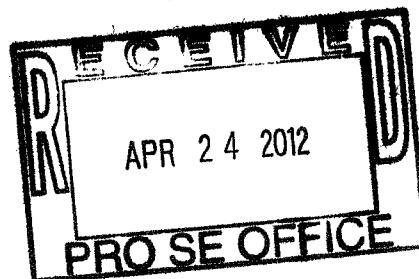
East Orange, New Jersey 07017

United States District Court

Manhattan Community Courts

315 West 54 Streets

New York, New York 10017



Motion for Notice of Removal from State Court to United States District Court, Title 28, 1446 Section (c) 1; Federal Question, Civil Rights Question

I Sam H. James Jr. request to move case 43345849-8 to United States District Court New York 500 Pearl Street New York, New York 10007-1312. For Denial of Due Process of Law, Court denied my filing of Motion to Dismiss on March 16, 2012. I have Notice in most Municipal or Community Courts fraternal trials are given. **My Motion is based on People vs. Torres, Misc. 3D. 126 (A) (Appellate Term 1st Dep't 2003)** **The assertion The United States Code 1985 (3) the Judge and the Police Officer Conspired to dismiss the Trespassing case in a Private Business, Mc Donald's is a private business. 3078 the Defendant drank or consumed and alcoholic beverage or possessed, "with Intent to drink or consume an open container, an open container, containing an open container, if the summons does not contain these words, the charge is subject to outright dismissal.** Also New York Police Officers use discretion as means to discriminate against blacks, on holidays and other incidents because I was with White Woman. I am 21 years of age

legal to drink, and not disorderly. Plus I am Homeless. Section 154 of 23 U.S.C. was designed for Motor Vehicle Law., but not passengers and not Public Streets, the Cities and State Agencies have changed the laws of open container, irrespective of its Federal meaning Motor Vehicles, Racial Profiling by White Officer, because I was with White Woman, On Holiday Jan 2, 2012. Also Racketeering by Municipalities in the United State Federal Jurisdiction various and States have laws for open containers in Motor Vehicles not for the use of Commerce and Trade Articles, State Administrative and Municipal Courts have created laws in another direction creating false penalties for our Citizens, robbing the Public of taxed paid privileges' of Commerce. The Federal Government has no such law, for people who buy Alcoholic Beverages; this is Discrimination, and unequal enforcement of Open Container Laws by Police, against a certain class of Citizens and by Municipal Governments that can be sued as a person. Here we have Municipalities, violating Commerce & Trade people are of drinking lawful age Municipalities are racketeering off of State Law, Possible Human Rights violations by Municipalities. Federal Government should review Rico Act Section 1962(C) Vicarious Liability and arguments for expanding scope and Element. A lot of Americans are Homeless, and cities are violating its own rights Theft by Deception and Unequal Enforcement of Municipal Ordinances by Police officers, the poor are being discriminated against. Attached is the summons's.

I certify the above is true to the best of my Ability, if willfully false I may be punished

Sam H. James Jr.



Notice of Motion for Removal of State Case to United States District Court will be served on all parties and a second Notice of Removal will be served as needed.

CC: Melissa Jackson 646-386-4615 De Minimus Infraction, to trivial to warrant Condemnation of Conviction, but this is what our Unfair Government does to its people.

COMPLAINT/INFORMATION

433458549-8

The People of The State of New York VS.

Susp/Rev Check ☒ Yes No ☐
Motorist Exhibited License ☒ Yes No ☐

Last Name

First Name

M.I.

Street Address

Apt. No.

City

State

Zip Code

ID Number

Date of Birth

Sex

MO 07 DAY 30 YR 52

M

Lic. State NJ Lic. Class or ID Type D

Date Expires

Operator Owns Vehicle

MO 09 DAY 30 YR 12

☐ Yes ☒ No

OPERATOR AND/OR OWNER OF VEHICLE BEARING LICENSE

Plate No.

STATE

NY

CT

PA

NJ

Other

Reg. Expires

PT
LY
TP
EE

PAS

OMT

COM

OML

Other

CHEV

FORD

HONDA

DODG

OLDS

BUICK

TOYT

MSS

Other

SEDAN

SUBN

VAN

TRUCK

MCY

Other

Veh. Yr.

Veh. Color

Alternate Plate

State

VIN No.

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

AM Time

PM

Date of Offense

County

Precinct

X07:16

01/03/12

NYC

014

Place of Occurrence

ILO

490

8th

Avenue

IN VIOLATION OF

Sec

10-125 (2b)

V.T.L.

Traff. Rules

Admin. Code

Penal Code

Other

Description of Violation, if Not Shown Below. (If returnable to Criminal Court, indicate Court Location and Date of Appearance below and COMPLETE, DATE, AND SIGN INFORMATION ON REVERSE SIDE.)

Open Container in public

SPEEDING

DISOBEY TRAFF

CONT DEV

Uninspec. Veh.

Unreg. Veh.

Unlic. Oper.

MPH

in MPH Zone

Sign

Pave

Signal

Uninsur. Veh.

Com. Veh.

Bus

Haz. Mat.

The person described above is summoned to appear at CRIMINAL COURT

Summons Part

County

Located at

314 W. 54th St

ARL6

NYC

Date of Appearance

9:30 a.m.

16th

day of

March

year

2012

I personally observed the commission of the offense charged above. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law. Affirmed under penalty of perjury.

Rank/Full Signature of Complainant

Complainant's Full Name (printed)

Command Code

Agency/NCIC

Squad

Tax Registry No.

I acknowledge receipt of this summons. I understand it is my responsibility to read and comply with the instructions on my copy, and that my signature below is not an admission of guilt.

Name

LTS

Date

01/03/12

CRIMINAL COURT INFORMATION (DESCRIBE OFFENSE)

At T/pt respondent was observed
with open container of alcohol
(1.5 liter bottle of Manischewitz).

WARRANT CHECK

☒ Yes☐ No

I PERSONALLY OBSERVED THE COMMISSION OF THE OFFENSE CHARGED HEREIN. FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW, AFFIRMED UNDER PENALTY OF PERJURY.

Date

01/03/12

Signature

Christopher Conner

DEFENDANT DESCRIPTION

Eye Color

BR

Hair Color

BK

Ethnicity

BK

Ht. 6'11"

Wt. 220

Phone #

ARRAIGNMENT

Defendant pleads

☐

Guilty

☐

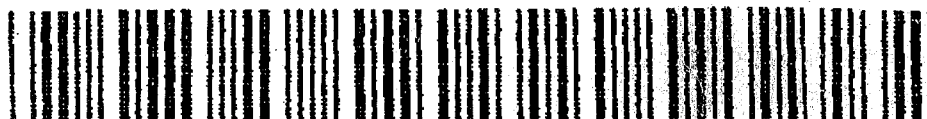
Not Guilty

Date

Judge

(1)

(2)



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United States District
Court

Southern District

of

New York

State of New York

vs

Sam A James L

Notice of Removal

